

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4365 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NOORMOHMED P MOMIN

Versus

DY COLLECTOR DHOLKA PRANT

Appearance:

MR PM BHATT for Petitioner
MR P.S. PATEL instructed by MR HM BHAGAT
for Respondent No. 1
MR V.A. TRIVEDI, ASSTT. GOVERNMENT PLEADER
for Respondent No. 2 and 3
SERVED BY DS for Respondent No. 4

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 15/07/97

ORAL JUDGEMENT

Rule. The learned Counsel appearing for the respondent authorities waives service of rule.

The grievance of the petitioner is that the Stamp

Vendor's Licence of the petitioner has been cancelled on 10.6.1997 by order at Annexure "E" to the petition without hearing the petitioner. From the order it appears that a show cause notice dated 31.5.97 was sent to the petitioner. The concerned authority noting that the petitioner did not respond to the show cause notice, proceeded with the matter and cancelled the licence. It is brought on record that the show cause notice was served on the petitioner on 10th June, 1997, requiring him to remain present on the hearing which was fixed on 9th June, 1997. The learned Counsel for the respondent therefore, submitted that the petitioner would be entitled to be heard since the show cause notice was received by him after the date of hearing and the order will have to be reconsidered. The impugned order at Annexure "E" to the petition has been made without hearing the petitioner and therefore, being in violation of the principles of natural justice, it is invalid. The respondent authority will therefore, issue a fresh show cause notice to the petitioner and after giving petitioner an adequate opportunity of hearing in the matter, pass a fresh order in accordance with law. The concerned authority will take a decision expeditiously, preferably within a fortnight from the date of service of this order.

Rule is made absolute accordingly with no order as to costs.

*/Mohandas